

Applicants: Heribert LORENZ et al.  
Application No. 10/730,469  
Amendment in Response to Office Action dated October 5, 2004

### REMARKS

Applicants respectfully requests reconsideration and allowance of this application in view of the amendments above and the following comments. Furthermore, entry of this response after final is requested as the claim is in condition for allowance and no new issues are raised.

The examiner takes the position that the claims are obvious over the Audousset reference US 5578087, in view of US 4003699 to Rose. Audousset teaches a composition containing

- (1) benzimidazole derivative
- (2) metaphenylenediamine
- (3) para or ortho oxidation dye precursor

The examiner refers to column 3 of the reference, stating that Andousset teaches 3-chloro-p-aminophenol and p-phenylenediamine (which are all given as examples for component (3) above). The examiner acknowledges that Audousset does not teach component (b) of your application, and cites Rose for this purpose, specifically 3-morpholinophenol.

However, the Andousset compounds are selected by the examiner from a long list of compounds in column 3. Nowhere does Andousset teach the applicant's invention wherein all 3 compounds are required in a single composition. Rather, the reference merely suggests some options for component (3), as 'one or more'. None of the examples of the reference teach or suggest the specific claimed combination. Even if one adds 3-morpholinophenol from Rose, there is still no suggestion that three specific compounds can provide such an improvement.

In fact, Audousset teaches away from applicant's invention, as the reference requires that the composition additionally contain benzimidazole. It is a far stretch from

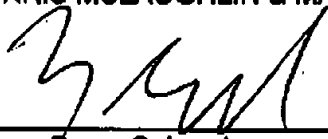
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a teaching of a composition requiring benzimidazole and a chosen compound from a long list of additional compounds, to reach applicant's invention. As the focus of Audousset is on the novel effect of the prime component benzimidazole, the skilled artisan would simply not look to this reference for a specific combination of three types of components chosen from among the many listed coupling/developing agents.

Wherefore, allowance of claim 1 is earnestly solicited.

Respectfully submitted,

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